

UNCLASSIFIED

Department of State

2/27/80

INCOMING
TELEGRAMPAGE 01 GENEVA 03155 01 OF 02 271606Z
ACTION 10-15

0481

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INFO OCT-01 ADS-00 AF-10 ARA-11 EA-10 EUR-12 HEA-05
CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00
INRE-00 AID-07 HEW-04 HA-05 RP-10 SR-04 SIL-01
LAB-04 PM-05 H-01 INR-10 L-03 PA-01 SP-02 SS-15
OMB-01 TRSE-00 EB-08 /146 W

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3009
INFO AMEMBASSY BUENOS AIRES

SECTION 01 OF 02 GENEVA 03155

E.O. 12055: GDS 2/27/86 (HEWITT, W.) OR-P
TAGS: UNHRC, SHUM
SUBJECT: UNHRC: 1503 WORKING GROUP RECOMMENDATION
ON ARGENTINA (ITEM 12B)

1. ENTIRE TEXT).

2. FOLLOWING IS THE TEXT OF THE HRC WORKING GROUP
RECOMMENDATION ON ARGENTINA (TO BE CONSIDERED BY HRC
UNDER 1503 PROCEDURES). SUMMARY OF ENTIRE WG REPORT ON
11 COUNTRIES, INCLUDING ARGENTINA, SENT SEPTCL.
BEGIN TEXT.THE WORKING GROUP, AFTER CAREFUL CONSIDERATION OF
THE MATERIAL WHICH IT HAD BEFORE IT, SUBMITS THE FOLLOWING
RECOMMENDATIONS TO THE COMMISSION ON HUMAN RIGHTS:

(A) ARGENTINA

THE WORKING GROUP ON SITUATIONS RECOMMENDS THAT
THE COMMISSION ON HUMAN RIGHTS ADOPT THE FOLLOWING DECISION:THE COMMISSION ON HUMAN RIGHTS,
HAVING EXAMINED THE MATERIAL CONCERNING THE HUMAN
RIGHTS SITUATION RELATING TO ARGENTINA,RECOGNIZING THAT THE HUMAN RIGHTS SITUATION IN
ARGENTINA GIVES RISE TO GRAVE CONCERN,NOTING WITH APPRECIATION THAT THE GOVERNMENT OF
ARGENTINA HAS DEMONSTRATED ITS WILLINGNESS TO COOPERATE
WITH THE UNITED NATIONS BODIES INVOLVED IN THE IMPLEMENTA-
TION OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)
BY SUBMITTING REPLIES RELATING TO THE COMMUNICATIONS BEFORE
THE COMMISSION AND BY FURNISHING EXTENSIVE WRITTEN OBSERVA-
TIONS RELATING TO THE HUMAN RIGHTS SITUATION IN THE COUNTRY;NOTING, HOWEVER, THAT VARIOUS ASPECTS OF THE ALLEGA-
TIONS WHICH ARE BASIC TO THE SITUATION UNDER EXAMINATION
HAVE NOT BEEN ADEQUATELY EXPLAINED AND NEED FURTHER CLARI-
FICATION,

1. DECIDES TO KEEP THE SITUATION UNDER REVIEW;

2. INVITES THE GOVERNMENT OF ARGENTINA TO FURTHER
COOPERATE WITH THE COMMISSION BY FURNISHING ADDITIONAL
CLARIFICATIONS AND OBSERVATIONS CONCERNING, IN PARTICULAR,(A) THE FATE OF DISAPPEARED PERSONS, INCLUDING
(1) THOSE SAID TO HAVE BEEN APPREHENDED, OFTEN IN BROAD
DAYLIGHT AND IN THE PRESENCE OF WITNESSES, BY GOVERNMENT
AGENTS (THE POLICE, MEMBERS OF THE ARMED FORCES OR PLAIN-
CLOTHES ARMED PERSONNEL), AND WHO, IN MANY CASES, ARE SAID
TO HAVE BEEN SEEN IN PLACES OF DETENTION BY OTHER DETAINEES,
SUBSEQUENTLY RELEASED, BUT IN RESPECT OF WHOM THE GOVERN-MENT, SO FAR, CLAIMS TO HAVE NO RECORDS CONCERNING ARRESTS;
OR DETENTION; (11) THOSE WHOSE ARREST HAS AT ONE POINT
IN TIME BEEN RECOGNIZED BY THE AUTHORITIES, BUT WHOSE
WHEREABOUTS HAVE SUBSEQUENTLY BECOME UNKNOWN TO THEIR
RELATIVES; (111) OTHER DISAPPEARED PERSONS, IN RESPECT
OF WHOM THE EVIDENTIARY MATERIAL TENDS TO INDICATE ABDUCTION
BY GOVERNMENT AGENTS OR WITH GOVERNMENT CONNIVANCE,
IN SPITE OF THE GOVERNMENT'S INABILITY, SO FAR, TO FURNISH
ADEQUATE INFORMATION CONCERNING THEIR WHEREABOUTS;(B) THE APPLICATION OF THE NEWLY ENACTED LAW NO.
22.068, PROVIDING FOR LEGAL PRESUMPTION OF DEATH, AND, IN
PARTICULAR, (1) THE GUARANTEES AFFORDED TO PREVENT UNDOE
OR EXCESSIVE APPLICATION OF THAT LAW, IN VIEW OF THE
UNUSUALLY SHORT TIME GIVEN TO THE MISSING PERSON TO REPORT
HIS WHEREABOUTS; (11) THE GUARANTEES AFFORDED IN CASES
WHERE THE EVIDENTIARY MATERIAL INDICATES THAT A PERSON
MAY HAVE BEEN INVOLUNTARILY DEPRIVED OF LIBERTY AND (111)
THE DOMESTIC RECOURSES AVAILABLE TO THE RELATIVES OF
MISSING PERSONS IN ORDER TO PREVENT A PREMATURE DECLARA-
TION OF PRESUMPTION OF DEATH,(C) PRISON CONDITIONS, THE TREATMENT OF SPECIAL
CATEGORIES OF DETAINEES AND ALLEGATIONS OF MISTREATMENT
OR TORTURE OF DETAINEES;(D) THE NUMEROUS INDICATIONS THAT THE RECOURSE
OF AMPARO OR HABEAS CORPUS APPEARS, IN EFFECT, INOPERATIVE
IN THE CIRCUMSTANCES DESCRIBED IN THE COMMUNICATIONS WHICH
THE COMMISSION HAS BEFORE IT;(E) THE REPORTED HARASSMENT AND INTIMIDATION OF
LAWYERS, OFTEN RESULTING IN THE ARREST, DETENTION OR THE
DISAPPEARANCE OF LAWYERS, WHO HAVE ACTED ON BEHALF OF

*See below re
change to file (A), by
of new 5-man group established
2/27/80*

*Below we should first for
information dealing upon 5/6/80
addition such contacts with
attorneys by estimation
note requests for release to
emp. may be relevant to
and to report to
Subcommittee and
may commission
C. J. P.*

LOT 82D177

BOX 8114 (2/21)

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☒ In Full☐ Classify as ☐ Extend as ☐ Downgrade toDate ☐ Declassify on ☐ Reason

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INCOMING
TELEGRAM

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SECTION 02 OF 02 GENEVA 03155

PERSONS DEPRIVED OF THEIR LIBERTY, PERSONS ALLEGED TO
HAVE BEEN DETAINED FOR POLITICAL REASONS OR OTHERWISE
DISAPPEARED PERSONS;

- (F) OTHER SPECIFIC ALLEGATIONS, SUCH AS THE
RESTRICTIONS OF TRADE UNION RIGHTS AND ON THE FREEDOM
OF EXPRESSION;

- 3. REQUESTS THE SECRETARY-GENERAL TO COMMUNICATE
THIS DECISION TO THE GOVERNMENT OF ARGENTINA. END TEXT.
HELMAN

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